

**HAZARDOUS DISCHARGE SITE REMEDIATION FUND
LOANS & GRANTS AVAILABLE PURSUANT TO S-277**

PUBLIC		SECTOR		ASSISTANCE
APPLICANT	FUNDS	PHASE	AMOUNT	SPECIAL CONDIITIONS
Municipalities, Counties & Redevelopment Entities	Grants NJSA 58:10B-6(a)(2)(a)(iii)	PA/SI/RI	100 % of PA/SI/RI (capped at \$3 million per applicant per year)	<ul style="list-style-type: none"> • Must have 1) tax sale certificate, 2) acquired through foreclosure or similar means, 3) own site or 4) pass a resolution to acquire site for redevelopment or recreation/conservation purposes. • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed.
Municipalities, Counties & Redevelopment Entities¹	Grants NJSA 58:10B-6(a)(2)(a)(ii)	Remedial Action Affordable housing or Recreation/Conservation purposes	75% of RA for recreation or conservation 50% of RA for affordable housing Program cap of \$5M per year²	<ul style="list-style-type: none"> • No ownership interest required NJSA 58:10B-6 (a)(2)(b) • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed • Rec./Cons. Grants-property must be preserved for conservation or recreation through a development easement or conservation easement or other restriction/easement restricting development
Municipalities, Counties & Redevelopment Entities	Grants BDA sites NJSA 58:10B-6(a)(2)(a)(i)	Remediation (PA/SI/RI/RA)	100 % PA/SI/RI/ 75% RA (capped at \$5M per applicant per year)	<ul style="list-style-type: none"> • No ownership interest required NJSA 58:10B-5(f); and -6 (a)(2)(b) • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed • Lien (for the amount expended for remedial action costs) placed on property if municipality, county or redevelopment entity does not acquire site.

¹ Applicant still subject to \$3M cap per year

² EDA can only award a cumulative total in grants of \$5M per year for remedial actions involving recreation/conservation end uses or affordable housing



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APPLICANT	FUNDS	PHASE	AMOUNT	SPECIAL CONDIITIONS
Municipalities, Counties & Redevelopment Entities	Grants Innovative technology, unrestricted & limited restricted use remedy ³ NJSA 58:10B-6(a)(5)(b)	Remedial Action (RA)	25% “project” costs of the remediation that is specifically for the use of innovative technology or implementation of limited restricted or unrestricted use . \$250,000 cap⁴per project	<ul style="list-style-type: none"> • Must own site • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed
Municipalities, Counties and Redevelopment Entities	Loans Imminent & significant threat NJSA 58:10B-6(a)(2)(a)(v)	Remediation (PA/SI/RI)	100% of PA/SI/RI (capped at \$3 million per year)	<ul style="list-style-type: none"> • Must have 1) tax sale certificate, 2) acquired through foreclosure or similar means, 3) own site or 4) pass a resolution to acquire site for redevelopment or recreation/conservation purposes via voluntary conveyance. • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed
Municipalities, Counties and Redevelopment Entities	Loans PA/SI/RI is completed NJSA 58:10B-6(a)(2)(a)(iv); and 6(a)(2)(b)	Remedial Action	100% of Remedial Action (capped at \$3 million per year)	<ul style="list-style-type: none"> • Must own site⁵ NJSA 58:10B-6(a)(2)(b) • Must pass redevelopment plan or a realistic opportunity must exist that the site will be redevelopment within 3 years after the remediation is completed

³ Limited restricted use remedial action is any RA that requires the continued use of institutional controls but not require the use of engineering controls; Unrestricted use remedial action is any RA that does not require the continued use of engineering or institutional controls in order to meet the established health risk or environmental standard.

⁴ Applicant still subject to \$3M cap per year



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PRIVATE		SECTOR		• ASSISTANCE
APPLICANT	FUNDS	PHASE	AMOUNT	SPECIAL CONDIITIONS
Persons⁶	Grants Innocent Party ⁷ NJSA 58:10B-6(a)(4)	Remediation (PA/SI/RI/RA)	50% of Remediation (capped at \$1M per /project)	<ul style="list-style-type: none"> • Acquired site prior to December 31, 1983 • Hazardous substance/waste was not used by applicant • Applicant did not discharge any hazardous substance/waste at area where discharge is discovered NJSA 58:10B-6a(4)
Persons Qualifying Persons	Grants Innovative technology, unrestricted & limited restricted use remedy ⁸ NJSA 58:10B-6(a)(5)(b)	Remedial Action	25% of the “project costs” for the RA that is specifically for the use of innovative technology or an unrestricted/ limited restricted use \$250,000 cap⁹ per project	<ul style="list-style-type: none"> • “Qualifying person” means any person who has a net worth of not more than \$2M • “Project costs” means that portion of the total costs of a remediation that is specifically for the use of an innovative technology, or to implement an unrestricted/limited restricted use remedial action NJSA 58:10-5a(6)
Persons	Loans for sites with imminent & significant threat) NJSA 58:10B-6(a)(2)(b)	Remediation (PA/SI/RI/RA)	100% Remediation (capped at \$1million per year)	<ul style="list-style-type: none"> • Eligible to the extent that applicant is not capable of establishing a remediation funding source NJSA 58:10B-6c

⁵ No loans or grants for remedial action shall be awarded until the municipality, county or redevelopment entity owns the real property (except for sites within a BDA, or sites where the end use is recreation/conservation or affordable housing)

⁶ Persons is defined as an individual, corporation, company, partnership, firm, or other private business entity

⁷ Applicant must meet innocent party criteria established at NJSA 58:10B-6(a) 4 that are outlined in the special conditions section above

⁸ Limited restricted use remedial action is any RA that requires the continued use of institutional controls but not require the use of engineering controls; Unrestricted use remedial action is any RA that does not require the continued use of engineering or institutional controls in order to meet the established health risk or environmental standard

⁹ Applicant still subject to \$1M cap per year



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APPLICANT	FUNDS	PHASE	AMOUNT	SPECIAL CONDIITIONS
Persons	Loans for sites in qualifying municipality NJSA 58:10B-6a(1)	Remediation (PA/SI/RI/RA)	100% of Remediation (capped at \$1M per year)	<ul style="list-style-type: none"> • Eligible to the extent that applicant is not capable of establishing a remediation funding source NJSA 58:10B-6c
Persons	Loans Voluntary Cleanup, EOZ, Innovative Technology, Unrestricted/ Limited Restricted) NJSA 58:10B-6(a)(5)	Remediation (PA/SI/RI/RA)	100% of Remediation (capped at \$1M per year)	Exempt from demonstrating the ability to establish remediation funding source NJSA 58:10B-5A(1); 58:10B-6c
Persons	Loans Discharge of Hazardous Substance/ Spill Act NJSA 58:10B-5(b), 10B-6(a)(2)(b)	Remediation (PA/SI/RI/RA)	100% of Remediation (capped at \$1M per year)	Eligible to the extent that applicant is not capable of establishing a remediation funding source NJSA 58:10B-5A(1); 58:10B-6c
Non Profits¹⁰	Grants NJSA 58:10B-25.3	PA/SI/RI	Pilot Program capped overall at \$5M¹¹ NJSA 58:10B-25.3	All of the limitations and conditions for the award of loans and grants to municipalities shall apply to the award of grants to non profit organizations

END NOTES

1) Awards can only be made for sites on which there has been or is suspected to be a discharge of a hazardous substance/waste

¹⁰ Non profits described in section 501(c)(3) of the federal Internal Revenue Code that are exempt from taxation pursuant to section 501(a)

¹¹ Criteria for program to be developed by DEP in consultation with EDA

